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WESTERN DISTRICT OF WASHINGTON
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08-CV-01207-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN PHILIP MCKEE,

Plaintiff,

v.

DANA M. RYAN,

Defendants.

Case No. C08-1207-MJP-JPD

ORDER OF DISMISSAL

The Court, having reviewed plaintiff's proposed complaint and application to proceed *in forma pauperis* in this 42 U.S.C. § 1983 civil rights action, together with all materials in support of and in opposition to those documents, the Report and Recommendation of United States Magistrate Judge James P. Donohue, and the balance of the record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation.
- (2) Plaintiff's complaint (Dkt. No. 1) is DISMISSED without prejudice, and his application to proceed *in forma pauperis* (Dkt. No. 4) is DENIED as moot.
- (3) The Clerk is directed to send copies of this Order to the parties and to Judge Donohue.

DATED this 22 day of Sept., 2008.

Marsha J. Pechman
United States District Judge